

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY) MDL No. 1456
AVERAGE WHOLESALE PRICE)
LITIGATION) Master File No. 01-CV-12257-PBS
) Hon. Patti B. Saris
THIS DOCUMENT RELATES TO:)
) Chief Mag. Judge Marianne B. Bowler
01-CV-12257-PBS AND 01-CV-339)
)
)
)

**OXFORD HEALTH PLANS, LLC'S MOTION TO RESCHEDULE THE
COURT'S HEARING ON DEFENDANTS' MOTION TO COMPEL**

Oxford Health Plans, LLC (“Oxford”), by and through its undersigned counsel, hereby respectfully requests that the Court reschedule the May 9, 2006 hearing on Defendants’ Motion to Compel Oxford to Produce Documents and Witnesses for Depositions Pursuant to Subpoena (“Motion to Compel”) (Docket No. 2298). The grounds for this motion are set forth below:

1. On March 17, 2006, Defendants filed the Motion to Compel against Oxford.

The Motion to Compel relates to a third-party subpoena that Defendants had served on Oxford. Oxford filed a Memorandum in Opposition to Defendants’ Motion to Compel on April 18, 2006.

2. On April 26, 2006, the Court scheduled a May 9, 2006 hearing on the Motion to Compel.

3. Michael Prame, an attorney with Groom Law Group, Chartered (“Groom”), has principally represented Oxford in connection with the subpoena and the Motion to

Compel. Mr. Prame will be on a previously scheduled family vacation the week of May 8, 2006, and, therefore, he will not be available to attend the hearing.¹

4. Given Mr. Prame's unavailability, Oxford requests an adjournment of the hearing to the following week (May 15-19) or a date thereafter that is convenient for the Court and counsel for Defendants and Oxford.²

5. Oxford contacted Defendants regarding Oxford's request to reschedule the hearing date. Defendants advised that they would not consent to Oxford's request.

WHEREFORE, the undersigned counsel respectfully move the Court to reschedule the hearing on Defendants' Motion to Compel to the week of May 15 or a date thereafter that is convenient for the Court and counsel for Defendants and Oxford.

Dated: May 3, 2006

Respectfully submitted,

MANCHEL & BRENNAN, P.C.

/s/ Julie B. Brennan

Julie B. Brennan (BBO # 564101)
199 Wells Avenue, Suite 301
Newton, Massachusetts 02459
Tel: (617) 796-8920
Fax: (617) 796-8921

- and -

¹ Other attorneys at Groom have had some limited involvement with this matter, but, if required to argue, would need to spend substantial time getting up to speed and otherwise preparing for the argument. Oxford respectfully submits that a non-party to these proceedings should not be required to expend such resources.

² Mr. Prame is available every day in May after May 15, except for depositions in Sioux City, Iowa scheduled for May 25 and 26 and a district court hearing in New Jersey on May 30.

Thomas F. Fitzgerald
Michael J. Prame
Lars C. Columbic
GROOM LAW GROUP, CHARTERED
1701 Pennsylvania Avenue, NW
Washington, DC 20006
Tel: (202) 857-0620
Fax: (202) 659-4503

Attorneys for Oxford Health Plans, LLC